Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

December 24, 2007

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice-Chair
Esther L. Valadez, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM: Mark Child
Section Head, Zoning Permits I

SUBJECT: Project No. R2005-00055-(5)
Conditional Use Permit No. RCUP200500005
January 9, 2008 Regional Planning Commission Meeting
Agenda Item No. 8

The above project is a request for a conditional use permit to authorize operation of a water distribution facility at 12800 Sierra Highway in the Sleepy Valley community. The case was most recently on your October 17, 2007 agenda. At that time, the applicant requested a continuance to provide time for two outstanding reviews to be completed by other departments and agencies. No testimony was taken on October 17. The outstanding reviews were from the Department of Public Works, Geotechnical Division, which was to review a recently prepared underflow study; and for the California Environmental Protection Agency, Division of Water Rights, State Water Resources Control Board (SWRCB), which was to review a complaint by the Sleepy Valley Water Company (SVWC) regarding a permit request by the applicant.

The two reviews have been completed and are attached. You will find an email from Mr. Charles Nestle at DPW stating that he agrees with the underflow study and its findings (The underflow study was forwarded to you with the October 17, 2007 package). Response from the SWRCB is contained in a report dated December 10, 2007. Explained in the report are the specifics of a complaint by the SVWC regarding the applicant's proposed operation. The report also suggests a threshold at which pumping from the applicant's well should cease to preserve the share of water reserved for SVWC. The conclusion of the report is that under normal rainfall conditions the applicant's extraction of water at the level proposed would not affect the water available to the SVWC well. The report suggests that when the water level in the applicant's well falls below 55 feet that pumping should stop to ensure that SVWC's supply of water is protected. This is a requirement of Condition 29.

Attached is also correspondence from Entrix, representing SVWC regarding the underflow study. The letter says that more data is needed before the underflow characteristics can be understood, that basin is highly sensitive to pumping because of the groundwater gradient, and that the threshold should be 25 feet, not 55 feet.

Staff believes that there is now sufficient information to set appropriate conditions for this project. Staff therefore recommends that the project be approved subject to the attached draft conditions.

Suggested Motion:

I move that the Regional Planning Commission approve conditional use permit 2005-00005-(5) with findings and conditions.

Commission Action and Vote from Previous Hearing (10/17/07)
Action: Continue to January9, 2008
Vote: Aye – Bellamy, Modugno, Valadez, Helsley and Rew

Attachments:
Draft findings 12/24/07
Draft conditions 12/24/07

MC

PROJECT NUMBER
R2005-00055-(5)

CASE NUMBER
CONDITIONAL USE PERMIT NO. 200500005-(5)

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

SYNOPSIS: The applicant, Roy Ramey, is requesting a conditional use permit to authorize the operation and maintenance of a water distribution and sales facility located on a 7.67 acre parcel within unincorporated Los Angeles County adjacent to the Sleepy Valley community. The applicant has requested to use existing well, pump house, two 10,000 gallon water storage tanks, and one 3,800 gallon tanker truck for supplying water for sale to existing businesses, contractors, and residents. Truck trips are projected to vary between 3 to 12 one-way trips per day depending on the time of year and demand, resulting in 11,000 to 40,000 gallons of water per day drawn from the applicant's well. The well is not shared with other users. The well is supplied by the non-adjudicated Mint Canyon aquifer. The Sleepy Valley Water Company (SVWC), whose wells are located less than a quarter of a mile down grade of the applicant's wells, uses the subject aquifer to supply 60 residences in the Sleepy Valley Community located west of and adjacent to the project site. The total number of parties using the aquifer, in addition to the applicant and the Sleepy Valley Water Company, is not known.

REGIONAL PLANNING COMMISSION HEARING DATE: August 17, 2005, August 1, 2007, October 17, 2007 and January 9, 2008.

August 17, 2005
A noticed public hearing was held before the commission on August 17, 2005. At that time, there was missing technical information, which included Department of Health Services (DHS) documentation on the approval of well construction and limited information on the draw-down rate of the aquifer. The commission took the case taken off calendar to allow time for the missing information to be obtained by the applicant.

August 1, 2007
A second noticed public hearing was held on August 1, 2007. At this time, DHS had provided written comments that included a provision to allow the applicant's well to be permitted after action is taken on this CUP application, but before water is extracted. Information from the California Environmental Protection Agency, Division of Water Rights, State Water Resources Control Board (SWRCB) for diversion of surface water rights was still pending and information regarding the draw-down effects of the applicant's proposal was not available. The commission continued the matter to October 17, 2007.

October 17, 2007
At the October 17, 2007 hearing, review of a recently submitted report by the applicant on the draw-down effects of the proposed well on the SVWC was not complete. SWRCB and County Public Works review of this report was not complete. The case was continued to January 9, 2008 to allow time for the review to be completed. No testimony was taken.

Findings

1. The applicant requests a Conditional Use Permit to authorize the construction, operation and maintenance of a water distribution facility in the A-1-1 (Light Agricultural-One Acre Minimum Required Area) Zone.

2. The subject property is located on 12800 Sierra Highway between Sierra Vallejo Road and Steele Avenue adjacent to the unincorporated communities of Sleepy Valley to the north and west and Agua Dulce to the east. For the specific location of the proposed facility, please see the attached vicinity map.

3. Approximately one third of the property, comprised of a northcentral and northwesterly portion, is relatively flat or mildly hilly. Disturbed and natural areas, including five oak trees and chaparral, are present in this portion of the site. The remaining property is hilly chaparral and includes the remaining 12 oak trees. A blue-line streambed runs through an easterly portion of the property running north and south through the site. The community of Sleepy Valley lies to the north and west of the property on both sides of Sierra Highway.

4. Access to the site is from Sierra Highway using an unpaved one-way loop driveway.

5. The subject property is zoned A-1-1

6. Zoning surrounding the subject property consists of the following:

   North: C-3 (Unlimited Commercial)

   East: A-1-1 (Light Agricultural-One Acre Minimum Required Area)

   South: A-2-1 (Heavy Agricultural- One Acre Minimum Required Area)

   West: A-1-1 and R-3 (Limited Multiple Residence)

7. The subject property is currently a non-operating water distribution facility including well, pump house, tanks, and water hauling truck. Land uses surrounding the subject property are as follows:

   North: Mobile Home Park

   South: Vacant

   East: Vacant

   West: Vacant and Residences

8. Zoning Enforcement Case No. 04-0021678/EF040024 pertains to the project previously operating without a conditional use permit. The case was referred to the District Attorney's Office and a court trial date was set for September 9, 2005. In its letter dated July 11, 2005, the Zoning Enforcement Section informed the Los Angeles County District Attorney's Office that the illegal water distribution use had ceased and no violations were then present. Certificate of Compliance Case No. 9810 was recorded in October, 1987. Plot Plan 39681 was approved in May, 1990 for installing and operating a power pole for the applicant's well serving a Christmas tree cultivation farm of 100 trees. Zoning enforcement staff indicated no new violations were present on the site at the time of this report.

9. The land use designation for the subject property within the Santa Clarita Valley Area Plan is N1 (Non-Urban 1). The following goals and policies of the Plan are applicable to the subject property and serve as guidelines for development:

   A. "In urban areas, institute measures to mitigate the impacts of environmental hazards, as feasible, for the maintenance of public health, safety and welfare." (Santa Clarita Valley Area Plan, P. 14, Policy No. 4.4) The Sleepy Valley Water Company, serving approximately 60 residences in the Sleepy Valley Community, shares the same aquifer as the applicant's requested use. Though rural in character, the community has urban characteristics such as the need for community water services. An initial phase water report dated August 3, 2005, was prepared for the subject site in compliance with State Department of Health Services water distribution permit requirements (see attachment). Evidence of aquifer overdraft by the applicant impacting other users is not covered by the report and other sources of available information, and remains inconclusive at this time. Staff believes impacts to aquifer capacity and impacts to the Sleepy Valley Community water supply by the project are inconclusive at this time. A well draw-down test was done at the applicant's site with concurrent measurements taken at the Sleepy Valley Water Company's site to assess impacts of the applicants proposed use on the Sleepy Valley Water Company's wells. Said test was monitored by the Department of Public Works Geotechnical Division and the Department of

Health Services. Additionally, a hydro-geological analysis was performed by the applicant and reviewed by the Department of Public Works, Geotechnical Division to further establish whether the proposed use would make negative impacts on other users of the Mint Canyon Aquifer. In the event of project approval, a proposed condition limits water hauling by the applicant to no more than 2,555 one-way truck trips per year (average of 7 trips per day using a 3,800 gallon tanker truck, or 9,709,000 gallons per year, or 29.8 acre feet per year).

B. "Encourage development of convenient services to meet the needs of Santa Clarita Valley residents including health; education; welfare; police and fire protection; governmental operations; recreation and cultural facilities; and public utilities. Such services should be expanded at a rate commensurate with population growth. Phasing of development and implementation should be timed to prevent gaps in service as the area grows. Where feasible, service facilities will be established in central urban areas, with branches located in outlying communities. When the population base in a community is too small to support a facility, a common facility – to be shared by several small communities - should be established at a central point. " (Santa Clarita Valley Area Plan, P. 15, Policy No. 7.1) The project provides needed water hauling services for existing residences, existing businesses, and site watering use by construction contractors in which no other or limited local water supply is available. Project impacts to the aquifer, and thus the local water supply for adjacent users from the community of Sleepy Valley, are insufficiently documented and require further data and analysis. The current primary water supply for Sleepy Valley is the same non-adjudicated aquifer and no other public water services are available. In 2001, the Sleepy Valley Water Company applied for a state water rights and water appropriation permit to expand the company's water supply, treatment and distribution system. The status of the application is unknown at the time of this report. The applicant's request, if granted, may have potential impacts on the Sleepy Valley community water supply given the limited current service capacity of the Sleepy Valley Water Company. Evidence provided by the hydro-geologic analysis performed, indicated that the subject Mint Canyon aquifer is prone to direct influence by rainfall, or the lack thereof, indicating that in years of drought ground water levels will drop. The interface of aquifer capacity, the condition and capacity of the nearby Sleepy Valley Water Company wells and the upstream impacts of the subject project, are not fully known at this time.

C. "Support infrastructure improvements in appropriate locations which contribute to development or expansion of employment producing uses." (Santa Clarita Valley Area Plan, P. 21, Policy No. 1.3) The proposed facilities would supply water to existing businesses, construction contractors for site watering uses, and existing residences enabling continued operations for those lacking other water resources. A consistent and reliable water supply is

needed for the subject community. It should be noted that the Department of Health Services has an ongoing policy of not allowing hauled water as a primary water source for proposed new residential or commercial construction (see attached DHS *Potable Water Availability Requirements for Residential and Commercial Development, page 2*). If approved, this project should not be interpreted to conflict with that policy as the use proposed is for supplying existing residences and businesses and could prevent the loss of employment.

D. "Develop and use groundwater sources to their safe yield limits, but not to the extent that degradation of the groundwater basins occurs." (Santa Clarita Valley Area Plan, P. 23, Policy No. 1.1) The hydro-geologic information provided by the applicant and reviewed by the Department of Public Works, Geotechnical Division, does not establish precisely the safe yield limits of the subject groundwater aquifer to insure an adequate water supply for other users of the same aquifer, particularly those users down grade from the project and during drought years, as the subject aquifer has been determined to be affected by seasonal conditions. In this context, the Department of Public Works, Geotechnical Division has indicated that under normal weather conditions, pumping 40,000 gallons of water per day at a rate of 28 gallons per minute should not impact wells located nearby the subject project. The conditions for the permit proposed include limitations and caps on water pumping based on daily usage and well-water depth measurements.

E. "Use imported water to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas." (Santa Clarita Valley Area Plan, P. 23, Policy No. 1.2) The project provides hauled water for existing residential, business, and construction contractor uses in the surrounding area previously using either overdrafted water supplies or lacking other local water sources. The subject Mint Canyon groundwater basin, from which the project draws water, is subject to overdrafting. In addition to the Sleepy Valley Water Company, the following companies have provided statements indicating that Sleepy Valley Water Company wells went dry in May of 2004 (see attached memos): American Water Well Service, Inc. (a company providing well maintenance services to the applicant, Sleepy Valley Water Company, and others using wells in this area), and Lunde Water Company (a private water distribution service which supplied Sleepy Valley Water Company with 32,000-40,000 gallons per day of potable water when their wells went dry in 2004).

10. The site plan depicts two existing 10,000 gallon water tanks, each 12 feet in height and 16 feet in diameter, located at the eastern end of the property, a water pipe and power pole 137 feet from the access at Sierra Highway using a one way unpaved decomposed granite loop driveway, an existing pump house located at the north central boundary of the property at Sierra Highway to be either renovated

to the satisfaction of the Department of Health Services or decommissioned and relocated 50 feet south as depicted, three truck and two standard parking spaces, and 17 oak trees with no impacts to the trees.

11. According to Section 22.44.113 of the Los Angeles County Code, the project is within the Agua Dulce Community Standards District. The development standards for the Agua Dulce Community Standards District pertain to required area and street improvements.

    A. According to Section 22.44.113.C.1: "Each residential lot or parcel shall contain a net area of not less than two acres." Though not a residential site, the 7.67 acre site exceeds the two-acre minimum required area requirement. The project complies with area requirements.

    B. According to Section 22.44.113.D.2.a: "Except for commercial and industrial zones, the maximum paved width of local street improvements shall not exceed 24 feet, plus appropriate graded or paved inverted shoulders if required; provided, however, that such width meets applicable fire department access requirements." The project is located adjacent to Sierra Highway, a major highway. Local street improvement standards do not apply.

    C. According to Section 22.44.113.D.2.b: "Curbs, gutters and sidewalks shall not be required on local streets if an acceptable alternative can be developed to the satisfaction of the director of public works." The project is located adjacent to Sierra Highway, a major highway. Local street improvement standards do not apply.

12. According to Section 22.24.100.A of the Los Angeles County Code, water pumping, storage, and distribution are uses requiring a Conditional Use Permit in the A-1 zone. According to Section 22.24.110 of the County Code, the applicable development standards for the A-1 zone pertain to yards, single-family residences and required area. The 7.67 acre water distribution facility meets applicable development standards.

13. According to Section 22.52.1220: "Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this Part 11." Parking spaces shall consist of not less than two standard parking spaces for employees, one maintenance vehicle space, and one tanker truck space, and an additional truck space. The project shall meet these parking requirements.

14. Under normal weather conditions, the project has been determined to make no impacts on the Sleepy Valley community water supply. Under drought conditions,

evidence has been provided indicating potential negative impacts by the project on water supply from the Mint Canyon Aquifer. Conditions of approval limit daily and annual pumping quantities and require discontinuance of pumping beyond a defined threshold.

15. Project conditions limit daily and annual pumping quantities and limit maximum well-water depth to eliminate negative impacts to properties using the subject Mint Canyon aquifer.

16. A Department of Health Services well permit is required for the existing well or a new well prior to any use of the well for the water hauling use requested.

17. The project site meets the burden of proof for adequate size, shape, and provision of facilities. As the project is surrounded by open space, no additional landscaping is required.

18. The project is adequately served by Sierra Highway for road access and by services supplying electricity for operation of pumping facilities. The applicant's site plan depicts access line of site in compliance with the Department of Public Works line-of-site requirements.

19. The applicant's request meets the burden of proof for a conditional use permit when in compliance with all of the conditions of approval.

20. An Initial Study was prepared for this project. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

21. The fulfillment of area plan goals for providing needed water distribution services to an existing community while minimizing environmental impacts of aquifer overdraft are the most important factors in this case.

22. In its letter dated May 23, 2007, The Department of Health Services made comments regarding the existing unpermitted well and the process required to either permit said well or permit a new well on the subject site. In the Department's January 1, 2003 document, *Potable Water Availability Requirements for Residential and Commercial Development, page 2*, regulations prohibit hauled water for new residential or commercial construction.

23. In its letter dated April 16, 2007, the Department of Public Works, Geotechnical Division made comments regarding the applicant's hydro-geologic analysis reviewed by said Department and made a condition requiring regular water usage reporting to ensure compliance with water use restrictions required by the conditional use permit.

24. Hearing notices were mailed to the applicant and to 83 neighbors within a 1,000-foot radius of the project site on July 19, 2007. Required case materials, including the recommended negative declaration environmental documentation, were mailed to the Canyon Country Jo Anne Darcy Library on June 19, 2007. Newspaper advertisements were published in LA Opinion and The Signal Newspaper on June 25, 2007. According to the applicant, hearing notices were posted at the site on June 27, 2007.

25. Staff received 27 letters and a petition signed by 170 local residents in support of the applicant's request at the time of the 2005 staff report. No additional letters have been received at the time of this report.

26. Eighteen letters and several phone calls have been received opposed to the project at the time of the 2005 staff report. Concerns have been expressed regarding adequate aquifer capacity serving both the Sleepy Valley community and the applicant's water distribution business. The Sleepy Valley Water Company, in its letter dated August 3, 2005 indicated "strong opposition" to the project and included comments questioning the project's ability to meet the conditional use permit burden of proof requirements, project noise and air quality impacts from water hauling truck traffic, and adverse strain on the local water supply. Staff has received several calls from representatives of the Sleepy Valley Water Company explaining that they remain opposed to the applicants permit request. No additional letters have been received at the time of this report.

27. In its letter dated October 19, 2004, American Water Well Service Inc. commented that the applicant's well was 23 feet below the top of the well slab on August 19, 2004 as compared to a measurement using the same method on April 26, 2001 indicating a level of 20 feet. American Water Well Service (AWWS) commented in its letter dated August 1, 2005 that AWWS has maintained the Sleepy Valley Water Company's wells for over two decades. AWWS verified that in May, 2004 all three Sleepy Valley Water Company wells went dry. The letter indicated that current wells at that time were not fully regenerated. In its letter dated July 29, 2005, the Lunde Water Company commented that it supplied 32,000 to 40,000 gallons per day to the Sleepy Valley Water Company over the previous eight months supplementing the community's water supply needs. No new information regarding drought conditions and associated impacts to wells using the Mint Canyon aquifer have been received at the time of this report.

28. Groundwater underflow calculations contained in a report prepared by Earth Resources Inc dated August 23, 2007, have been reviewed by the Los Angeles County, Department of Public Works, Geotechnical Division. The Division concurs with the findings of the report.

29. The California Environmental Protection Agency, Division of Water Rights, State Water Resources Control Board (SWRCB), in a report dated December 10, 2007 has to review a complaint by the Sleepy Valley Water Company (SVWC) regarding a permit request by the applicant. Explained in the report are the specifics of a complaint by the SVWC regarding the applicant's proposed operation. The report also suggests a threshold at which pumping from the applicant's well should cease to preserve the share of water reserved for SVWC. The conclusion of the report is that under normal rainfall conditions the applicant's extraction of water at the level proposed would not affect the water available to the SVWC well. The report suggests that when the water level in the applicant's well falls below 55 feet that pumping should stop to ensure that SVWC's supply of water is protected. This is a requirement of Condition 29.

30. The project is consistent with the Santa Clarita Valley Area Plan when in compliance with all of the conditions of approval. The proposed use meets existing community needs for hauled water for some users. Potential project environmental impacts to other users during times of drought are mitigated by conditions limiting daily and annual water hauling quantities and restricting the use of water from the subject well to a certain depth beyond which no pumping is permitted.

31. The project meets applicable development standards for the Agua Dulce Community Standards District, A-1 zone, and general development standards.

32. The results of the hydro-geological analysis provided by the applicant's consultant and reviewed by the Department of Public Works, Geotechnical Division, are sufficient to assess impacts of the project on the overall local community water supply under normal weather conditions. Uncertainty remains regarding project impacts to the subject aquifer during times of drought; therefore, the applicant's compliance with the conditions of approval is required to ensure available water supply from the Mint Canyon aquifer to the community in such times. Information provided by the Sleepy Valley Water Company, American Water Well Service, and Lunde Water Company is inconclusive as to the cause of well failure at the Sleepy Valley Water Company wells during the summer of 2004. Questions remain as to whether the drought conditions existing at the time, quality of well performance, and/or unreasonable overdrafting by some users of the aquifer led to the apparent sudden lack of water supply at the Sleepy Valley Water Company wells in May, 2004. The applicant was operating on the subject property without the required permits during this period.

33. The providing of hauled water for existing residential and commercial uses supplied from existing wells permitted by the Department of Health Services may be used for a limited period of time. Staff notes that the subject well is lacking Department of Health Services permit documentation; therefore, the well must be approved by Health Services prior to operation of water distribution and hauling from the subject well.

34. A five-year term is required for the requested conditional use permit due to the uncertainty of a changing water supply and the need to reevaluate compatibility of the project with the surrounding community.

35. The following fees apply:

    A. A document processing fee of $50 and a Fish and Game fee of $1,800, payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code, is required to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game.

    B. A cost recovery deposit of $750 is required to cover the cost of five required zoning enforcement inspections, one every year for the term of this grant. Additional funds would be required if violations are found on the property.

36. The payment of fees are required within fifteen (15) calendar days of the final approval of this grant.

37. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th floor, Hall of Records, 320 W. Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF REQUIREMENTS:

A. The proposed use is consistent with the adopted general plan for the area when all conditions have been met;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;

C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area; and

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.040.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Regional Planning Commission that there is no substantial evidence the project will have a significant effect on the environment with compliance to the conditions of approval, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and **ADOPTS** the Negative Declaration associated with Project No. R2006-00055-(5)

2. In view of the findings of fact presented above, Conditional Use Permit No. 200500005-(5) with findings and conditions is **APPROVED.**

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC
12/24/07

1. This grant authorizes the operation and maintenance of an existing water distribution facility as depicted on the approved Exhibit "A" and one 3,800 gallon water tanker truck for hauling no more than 40,000 gallons of water per day maximum on any given day, and no more than 9,709,000 gallons per year maximum or 29.8 acre feet based on an average of seven one-way trips per day, 365 days per year (2,555 one-way trips per year), subject to all of the following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by **Condition No. 8**, and until all required monies have been paid pursuant to **Condition Nos. 10 and 11**. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within two years from the date of approval.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.

9. **This grant shall terminate on January 9, 2013, five (5) years from the date of approval** unless renewed by the Director for an additional period, not to exceed five (5) years, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code. Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$750**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **five (5) inspections, one every year for five (5) years.** The inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is $150.00 per inspection.

11. Within fifteen (15) calendar days of the approval date of this grant, the permittee shall remit required fees of **$1,850** ($1,800 Fish and Game fee, $50 processing fee) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code, to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

14. Permittee shall comply with all County of Los Angeles Department of Public Works requirements specified in its letters dated June 27, 2007 and April 16, 2007, except as otherwise required by said department.

15. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

16. The permittee shall comply with all County of Los Angeles Fire Department requirements.

17. The permittee shall comply with all County of Los Angeles Department of Health Services requirements specified in its letter dated May 23, 2007, except as otherwise required by said department.

18. In compliance with the Department of Health Service requirements for potable water as stated in its publication, *Potable Water Availability Requirements for Residential and Commercial Development, January 1, 2003, page 2,* this grant does not authorize water hauling of potable water for new residential or new commercial construction.

19. The existing well shall be brought into compliance with the California well standards to the satisfaction of the County of Los Angeles Department of Health Services. Approval documentation for the existing well and pumping facility, or, approval by the Department of Health Services of a new well near the existing facility, shall be provided to the Director of Planning prior to initiating operation of the facility.

20. The permittee shall obtain a License to Operate a Private Water Source from the State Department of Health Services, Food and Drug Branch, and license documentation shall be provided to the Director of Planning prior to initiating operation of the facility. The permittee shall comply with all testing, reporting, and other requirements of said licensing agency.

21. The permittee shall obtain a Domestic Water Supply Permit from the State of California Department of Health Services, Drinking Water Field Operations Branch, and permit

documentation shall be provided to the Director of Planning prior to initiating operation of the facility.

22. The permittee shall obtain a Water Hauler's License from the State of California Department of Health Services, Food and Drug Branch, and license documentation shall be provided to the Director of Planning prior to initiating operation of the facility.

23. The permittee shall comply with all California State Department of Transportation requirements specified in its letter dated April 18, 2005, except as otherwise required by said department.

24. One 3,800 gallon tanker truck transporting water from the subject property shall be owned or leased by the owner and/or operator of the subject water distribution facility. No other water tanker trucks are permitted on the premises.

25. The water hauling truck and all vehicles shall enter and exit the subject property via Sierra Highway.

26. The maximum number of one-way water hauling truck trips within any one year period shall not exceed 2,555 trips (based on an average of 7 trips per day for 365 days), or 9,709,000 gallons per year or 29.8 acre feet (based on an average of 7 one-way trips per day by a 3,800 gallon water hauling truck), except in an emergency defined as follows. The number of trips may be increased if necessary to meet a demand occasioned by a residential water shortage in the Sleepy Valley area that is declared and documented by the Board of Supervisors pursuant to the County's water conservation ordinance or by a similar finding by a person or body of appropriate jurisdiction as verified by the County. Trips shall not be increased to meet a demand for water at construction projects. The permittee shall maintain logs as defined in **Condition Nos. 27 and 28**, which shall be made available to the Director of Planning upon request.

27. The permittee shall maintain a daily log which shall include:

    a. the number of all one-way loaded tanker truck trips;
    b. general destinations, and
    c. total number of gallons delivered each day.

    The monthly total of loaded one-way truck trips shall be entered into the log within five working days following the conclusion of each month. The log shall be made available to the Zoning Enforcement Section of the Department upon request.

    An annual summary of the log which shall include the monthly totals shall be submitted to the Director of Planning within 15 working days following the conclusion of each of the five permitted years.

28. The permittee shall maintain a log of well-water depth measurements performed at least every other week from June 1 through October 31 of each year and every month

November 1 through May 31 each year. The well-water depth measurements shall be entered into the log within five working days following the conclusion of each month. The log shall be made available to the Zoning Enforcement Section of the Planning Department upon request.

An annual summary of the log which shall include the monthly totals shall be submitted to the Director of Planning within 15 working days following the conclusion of each of the five permitted years.

29. In the event static well-water depth measurements reach 55 feet below ground surface, all pumping shall stop until such time as the water level rebounds to at least 50 feet below ground level. No water pumping shall continue beyond well-water depth measurements 55 feet or greater below ground surface with the exception of a water shortage emergency as defined in **Condition No. 30**.

30. In the event of a water shortage in the Sleepy Valley area (as defined by a major reduction in water supply to residences and businesses located within the boundaries of the Mint Canyon Aquifer) that is declared and documented by the Board of Supervisors pursuant to the County's water conservation ordinance or by a similar finding by a person or body of appropriate jurisdiction as verified by the County, and the permittee's well continues to produce; the permittee shall provide hauled water equivalent to no more than 750 gallons per day per residence, $3 per residence per trip to cover minimum cost ($15 per tanker truck load), to severely impacted residences of the Sleepy Valley Community who normally obtain water drawn from the Mint Canyon Aquifer, and until such a time as reliable local water supply is restored to said users, or, the permittee's well is documented to run dry.

31. In Accordance with California Department of Health Services, Food and Drug Branch requirements, the permittee shall perform and record weekly coliform analysis and annual chemical-physical-radiological analysis. In addition to Food and Drug Branch reporting requirements, records shall be made available upon request to the Department of Regional Planning Zoning Enforcement inspectors.

32. Trucks are not to be serviced on uncovered dirt surfaces on the premises.

33. The storage of motor vehicle fuel on the subject property is prohibited.

34. The use of internal combustion engines to pump water or supply electricity to pumps is prohibited except in the event of a water shortage emergency as defined in **Condition No. 30** and requiring emergency power.

35. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under

the auspices of a civic or non-profit organization. In the event any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

36. Within sixty (60) days of the approval date of this grant, permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval.

37. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s).

38. The water distribution facility shall have operating hours from 8:00 a.m. to 6:00 p.m. Monday through Sunday.

39. Excepting onsite storage of one 3,800 gallon water tanker truck, this grant makes no provision for outside storage and display. All other outside storage and display is prohibited. The two proposed storage tanks are not to be defined as outside storage.

40. Line of site distances at driveway access points shall be maintained for the life of this grant and shall not be obstructed by landscaping or other objects.

41. Any signage of the subject property shall comply with the requirements of Chapter 22.52, Part 10 of the Los Angeles County Code.

42. Parking for operators of the facility shall comply with all requirements of Chapter 22.52, Part 11 Vehicle Parking Space, of the Los Angeles County Zoning Code.

43. Required parking shall consist of not less than two standard spaces for employees and three truck spaces. Parking shall be limited to motor vehicle parking exclusively.

44. Recreational vehicles, motor homes, trailers, and inoperable vehicles of any kind are prohibited from parking within any required yard/setback, driveway, or designated parking areas.

45. Outdoor security lighting shall be designed so as to direct light only onto the facility premises. Said lighting shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal security lighting shall be used later than 10 p.m. nightly and shall be placed on motion detectors.

46. The permittee shall maintain all landscaping in the developed areas in a neat, clean and healthy condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Landscape watering facilities, if any, shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

47. The coloring of the water tanks shall be of a tone which blends in with the surrounding environment, in this case a dark green similar to surrounding trees and shrubs.

48. No new construction on the existing water distribution facility site is provided by this grant with the exception of constructing a new replacement well or retrofitting of the existing well to the satisfaction of the Department of Health Services and the Department of Public Works, Building and Safety Division.

49. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.

50. Upon termination of this grant as provided in **Condition No. 9**, or, if after this facility ceases to operate, the permittee shall remove and clear the site of all equipment. The permittee shall restore the site as nearly as practicable to its condition prior to the installation of the subject facilities. Failure to remove such facilities as required herein shall constitute public nuisance. Prior to initiation of operation of the facility, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of removal of the facilities provided herein. In the event that the facilities are not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facilities to be removed.

Attachments:
Department of Public Works letters dated June 27, 2007 and April 16, 2007
Fire Department letter dated July 6, 2005
Department of Health Services letter dated May 23, 2007
Caltrans letter dated August 18, 2005

MC
12/24/07

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-1

June 27, 2007

TO: Mark Child
Zoning Permit Section I
Department of Regional Planning

Attention Kim Szalay

FROM: Letty Schleikorn MS
Subdivision Management Section
Land Development Division

CONDITIONAL USE PERMIT (CUP) NO. R2005-00055
12800 SIERRA HIGHWAY
SALE OF WATER

☒ Public Works recommends approval for this CUP.

☐ Public Works does **NOT** recommend approval for this CUP.

We reviewed the subject permit in the Santa Clarita area in the vicinity of Sierra Highway and Mint Canyon Road (12800 Sierra Highway). This Permit is to allow the sale of water. This letter supersedes our October 24, 2005, letter to your Department.

Upon approval of the permit, we recommend the following conditions:

1. The applicant shall provide regular reporting of water usage to ensure compliance with the maximum pumping volume of 40,000 gallons per day.

2. Make an offer to dedicate right of way 50 feet from centerline on Sierra Highway. Twenty feet of additional right of way will be required in the future along the property frontage. An existing water well is partially located within the future right of way. The well must be abandoned at the owner's expense at such time that the County accepts the offer of dedication in order to construct roadway improvements.

Dist. Office 8.2

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
___ Dist. Office
___ Geologist
___ Engineer
1 GMED File
___ Grading Section
1 DRP

Tract / Parcel Map _____ **Lot(s)** _____
Parent Tract _____ **Location** Acton
Site Address 12800 Sierra Highway
Geologist Earth Resources Inc. **Developer/Owner** Ramey
Soils Engineer -------- **Engineer/Arch.** -------

Review of: CUP 200500005 **For:** Operation and maintenance of a water distribution facility

Reports Reviewed:

Earth Resources, Inc., January 9, 2007, Response to County Review Letter Dated March 13, 2005, Rainmaker Water Services, 12800 Sierra Highway, Agua Dulce, California.
Earth Resources, Inc., November 10, 2006 (Fax Date), Pump Test Results.
Earth Systems Southwest, August 3, 2005, Private water source assessment, 12800 Sierra Highway, Agua Dulce, Los Angeles County, California.
James M. Montgomery, Consulting Engineers, Inc., February 1982, Groundwater resource study, Agua Dulce and Mint Canyon, Los Angeles County, California, Phase 1 Agua Dulce/Mint Canyon Hydrogeologic Investigation.
James M. Montgomery, Consulting Engineers, Inc., December 1981, Groundwater resource study, Agua Dulce and Mint Canyon, Los Angeles County, California, Phase 1 Mint Canyon Hydrogeologic Investigation.

Remarks:

The CUP is recommended for approval from a geotechnical standpoint for the following reasons:

1) The pump test conducted demonstrates that there should be no measurable effect to adjacent and nearby wells at the pumping rate proposed by the project. The maximum drawdown observed during the pump test was 5 feet, which may not be sufficient to result in an observable drawdown beyond a radius of more than a few tens of feet. However, the maximum allowed pumping volume of 40,000 gpd (per the CUP) translates to a pumping rate of about 28 gpm, which is lower than the 36-40 gpm pumping rate during the test. Therefore, the data presented by the consultants suggests that pumping of the volume proposed should not impact nearby wells. Additionally, the radius of influence of the drawdown cone can be expected to be independent of ground water elevation; therefore, these conclusions should apply during periods of drought.

2) The consultant concludes that the proposed project will have no negative impact over the long term, and the data provided supports this conclusion. The methods of analysis used included those provided in the above-referenced J.M. Montgomery reports that had been accepted by the County.

However, the cumulative departure curve / precipitation / ground water chart included with the ERI report suggests that ground water within the basin responds to precipitation. Therefore, during periods of drought ground water levels will drop. This has occurred in several times in the past, as depicted on the chart, and will continue to occur in the future.

Recommendations:

The following condition is recommended for approval of this project:

The applicant shall provide regular reporting of water usage to ensure compliance with the maximum pumping volume specified in the CUP.

Note: If any additional information is received that may materially affect these conclusions and recommendations, that information will be considered.

Prepared by _____ Reviewed by _____ Date 4/16/07
Charles Nestle

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: July 6, 2005

TO: Department of Regional Planning
Permits and Variances

PROJECT #: R2005-00055

LOCATION: 12800 Sierra Highway

☒ The Fire Department has no additional requirements for this permit.

☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☐ Install __ Public and/or __ On-site and/or __ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☐ **Comments:** _____

☐ **Location:** _____

☐ **Access:** _____

☐ **Special Requirements:** _____

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: *Juan C. Padilla*

Co.CUP 04/04

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JOHN SCHUNHOFF, Ph.D.
Chief Deputy Director

Environmental Health
Terrance Powell, R.E.H.S.
Acting Director of Environmental Health
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.lapublichealth.org

May 23, 2007

Kim Szaley
Zoning Permits I Section
Department of Regional Planning
320 W. Temple Street
Los Angeles, California 90012

Re: **Project No. R2005-00055, 12800 Sierra Highway, Agua Dulce**

Dear Mr. Szaley:

This is in response to a request from your department regarding the Department of Public Health's (DPH) concern regarding the Conditional Use Permit hearing for the property at 12800 Sierra Highway, Agua Dulce, California.

As discussed in a telephone conversation with Alfonso Medina, Director, Environmental Protection Bureau, on May 16, 2007, the DPH is not opposed to a hearing for Roy Ramey's Project No. R2005-00055.

However, the DPH still does not have any records to show that the unapproved well at the above address was constructed under permit from this Department and is in conformance with the requirements of the California Well Standards. We are unable to recommend approval of the use of this well until it has been brought into compliance with the California Well Standards and the standards of Environmental Health. This includes laboratory analysis of the water after all construction work according to the bacteriological and chemical requirements of the California Code of Regulations, Title 22.

In a telephone conversation of May 15, 2006, with Mr. Joe Cota, representative for Roy Ramey, Mr. Medina indicated Mr. Cota informed him, the current well in question at 12800 Sierra Highway, Agua Dulce was not going to be used and would eventually be properly decommissioned. A new well in close proximity to the unapproved well would be built in conformance with all requirements including a permit with Environmental Health.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-3747
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

IGR/CEQA No. 050815AL
Proj. No. R2005 and CUP No. 200500005
Water Distribution Facility
Vic. LA-14 / PM 39.85
SCH # 2005081009

August 18, 2005

Mr. Kim K. Szalay
L.A. County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Szalay:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is to authorize the continued operation and maintenance of a water distribution facility using water haling trucks.

Any transportation of water which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. Thank you for the opportunity to have reviewed this project.

If you have any questions, please feel free to contact me at (213) 897-3747 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 050815AL.

Sincerely,

Alan Lin for

CHERYL J. POWELL
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
Public Health

THOMAS L. GARTHWAITE, M.D.
DIRECTOR AND CHIEF MEDICAL OFFICER

JONATHAN E. FIELDING, M.D., M.P.H.
DIRECTOR OF PUBLIC HEALTH AND HEALTH OFFICER

ENVIRONMENTAL HEALTH
ARTURO AGUIRRE, DIRECTOR

BUREAU OF ENVIRONMENTAL PROTECTION
5050 COMMERCE DRIVE
BALDWIN PARK, CALIFORNIA 91706
TEL 626.430.5280
WWW.LAPUBLICHEALTH.ORG/EH

POTABLE WATER AVAILABILITY REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT

January 1, 2003

This document provides the guidelines that apply to obtain Department of Health Services ("DHS") approval of availability of potable water to support new development. They are based on the requirements of the Los Angeles County Plumbing Code, Los Angeles County Health and Safety Code, and Title 22, California Code of Regulations.

Should questions arise regarding these guidelines or requirements, please contact the Mountain & Rural / Water & Sewage Program at 626-430-5380.

SUSTAINABLE WATER

Environmental Health requires that all new development of residential or commercial buildings be provided with an adequate, sustainable supply of water from either a public water system or from an on-site well. Environmental Health has determined that test results which establish a sustained yield of a well which is the equivalent of a continuous flow of three gallons per minute for at least 24 hours are acceptable to demonstrate a sustainable supply of water.

In Section 64215 of Title 22 of the California Code of Regulations, the State Department of Health Services has determined that a well will be considered an adequate source of sustainable water for a "state small water system" if it is demonstrated that it can supply a minimum of three gallons per minute for at least 24 hours for each service connection served by the system. Under state law, the State Department of Health Services has jurisdiction to establish the requirements for a "state small water system," defined as having at least five, but not more than fourteen connections. That jurisdiction does not extend to water supplies for fewer than five connections.

This requirement established by the State Department of Health Services is equally applicable to water supplies for less than five connections. There is no basis upon which to conclude that a lower level of sustainable water would be adequate merely because fewer connections are served. In fact, considering that the standard for a "state small water system" is based upon the understanding that meeting the peak demand on the system can be spread among up to fourteen connections, any variation from this standard for water supplies for fewer than five connections would be higher, not lower, than the standard for a "state small water system."

However, a well yield certified at two gallons per minute will be accepted, provided that a minimum of 1,500 gallons of storage capacity is added to the closed well water distribution system.[2] The yield of a well is to be determined using the test procedures listed on the Los Angeles County Well Yield Certification Form.

APPLICABILITY OF POTABLE AND SUSTAINABLE WATER REQUIREMENTS TO EXISTING, PERMITTED DWELLINGS

The policy prohibiting hauled water as the source of potable water or the policy establishing the standard to determine an adequate source of sustainable water does not apply to existing permitted dwellings that are presently served by an approved storage tank and hauled water or by a well with a yield less than the minimum standard discussed above. Further, this policy will not apply to proposed projects for which a complete building permit application, including sewage disposal plans, was filed prior to January 1, 2003, as evidenced by the Building Plan Check Number.

Proposed substantial improvements to existing permitted dwellings will require evidence of compliance with the standards applicable to new construction. "Substantial improvements" shall be

---

[2] This is in addition to Fire Department requirements for stored water.

provided and officially recorded.

- Well Yield test results from a company legally authorized by the state of California to perform well yield tests, documenting that the well produces a minimum of 3 gallons per minute* over a specified period of time for each service connection provided by the well.

- Bacteriological test results showing the well water meets US EPA drinking water standards.**

* *2 GPM is acceptable if 1500 gallons of domestic storage is provided on site- per connection.*

** *DHS is unable to collect the water sample for bacteriological testing. It is recommended that complete general minerals, inorganics, and heavy metals analyses be performed on the well water.*

ADDITIONS, REMODELING, AND REBUILDING AFTER DECLARED DISASTERS

Prior to DHS approving the source of water for an addition, a remodel, or a rebuilding of a structure damaged or destroyed by a declared disaster, the following documentation must be on file:

EXISTING PERMITTED STRUCTURES:

If hauled water is the source:

Evidence that a complete building permit application, including sewage disposal plans, for the dwelling was filed prior to January 1, 2003, as evidenced by the Building Plan Check Number, and that the improvement to the property will be less than 50% of the market value of the structure before the start of construction of the improvement.

If a private well is replacing hauled-in water as the source:

A well and well yield test that complies with new construction requirements.

If a public water system is the source and no prior documentation of such is on file:

Evidence of water service from permitted public water company (water bill for said address)

EXISTING NON-PERMITTED STRUCTURES:

A well and well yield test that complies with new construction requirements, or evidence of water service from a permitted public water system (water bill for said address).

REBUILDING AFTER DECLARED DISASTER:

Previously permitted dwellings which have been destroyed due to fire or declared disaster will be evaluated on a case-by-case basis.

Child, Mark

From: Nestle, Charles [CNESTLE@dpw.lacounty.gov]
Sent: Monday, December 17, 2007 12:11 PM
To: Child, Mark; Burger, Steve
Subject: RE: Roy Ramey project R2005-00055 Existing Water Supply Well Upgrade

Mark,

I've completed the review of the Earth Resources Inc. report dated August 23, 2007, and I agree with their findings and conclusions. The conclusions and recommendations as stated in my review dated April 16, 2007 recommending approval of the CUP remain applicable.

Charles

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • 916.341.5300
Mailing Address: P.O. Box 2000 • Sacramento, California 95812-2000
FAX: 916.341.5400 • www.waterrights.ca.gov

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

DEC 10 2007

In Reply Refer to:
363:CEN:262.0 (19-25-01)

Kathy Sloan
Sleepy Valley Water Company
P.O. Box 2721
Canyon Country, CA, 91386

Mr. Roy Ramey
33297 Wagon Wheel Road
Aqua Dulce, CA, 91390

Dear Ms. Sloan and Mr. Ramey

SUBJECT: WATER RIGHT COMPLAINT BY SLEEPY VALLEY WATER COMPANY REGARDING DIVERSION OF UNDERFLOW FROM MINT CANYON CREEK TRIBUTARY TO SANTA CLARA RIVER

The State Water Resources Control Board Division of Water Rights Complaint Unit staff (Staff) have completed the investigation of the subject water right complaint (see enclosed report). Staff conclude that there is insufficient evidence in the record that Mr. Ramey's proposed diversion of 0.061 cfs not to exceed 45 afa (at, or above, his proposed groundwater bypass level of 55 feet below grade at his well) will impact the ability of the Sleepy Valley Water Company to satisfy its prior water right. Staff considers this prior water right to be that volume of groundwater that the Sleepy Valley Water Company is currently using or is reasonably expected to be using in the near future.

Please review the enclosed report and submit any comments to the report, or additional information, within 30 days of the date of this letter.

If you have any questions concerning this matter please call me at (916) 341-5313 or my supervisor Chuck Rich at (916) 341-5377.

Sincerely,

Charles NeSmith
Engineering Geologist

cc: Mr. Joe Cota
Earth Resources Inc.
18302 Sierra Highway #102
Santa Clarita, CA, 91351

Mr. Tim Thompson
Entrix Inc.
2140 Eastman Ave, Suite 200
Ventura. Ca. 93003

State of California

Memorandum

TO: File: 262 (15-12-01)

Date: November 28, 2007

Charles NeSmith, Staff Geologist

From: DIVISION OF WATER RIGHTS
STATE WATER RESOURCES CONTROL BOARD

SUBJECT: WATER RIGHT COMPLAINT BY SLEEPY VALLEY WATER COMPANY REGARDING DIVERSION OF UNDERFLOW FROM MINT CANYON CREEK TRIBUTARY TO SANTA CLARA RIVER, LOS ANGELES COUNTY

BACKGROUND

Complaint

The Sleepy Valley Water Company (Complainant) submitted a water right complaint to the State Water Resources Control Board Division of Water Rights (Division) dated December 21, 2006 alleging that Rainmaker Water Services (Respondent) is pumping the underflow of Mint Canyon Creek without a water right permit or license. Complainant states that during the drought of 2004 Complainant was unable to provide water to its customers and had to truck in supplemental water. Complainant requested Los Angeles County (County) to temporarily shut down Respondent's pumping and water distribution and asserts that this allowed Complainant's well to recover in about a month.

Complainant argues that there is 270 acre-feet of natural recharge to Mint Canyon and 25 acre-feet of wastewater return to give 290 acre-feet total available for extraction. On July 13, 2001 Complainant applied for a water right permit for its diversion and received a permit in February 2007 to appropriate 100 acre-feet from the aquifer. Complainant contends that Respondent's water distribution operation should be enjoined from pumping until it receives a water right permit for the diversion.

Respondent submitted an application to appropriate water for his diversion and it was accepted on February 23, 2007. With respect to Complainant's allegation that Respondent's pumping during the 2004 drought caused, or significantly helped to cause, Complainant's well to go dry, Respondent asserts that this allegation is false and submitted a water availability analysis in support of this contention.

Complaint Unit Staff (Staff) visited the site on April 19, 2007 and met with representatives for both the complainant and the Respondent who showed staff the respective wells, the place of use for Sleepy Valley Water Company, and surrounding geology.

Location, Geology, and History

Sleepy Valley is a bedroom community located at an elevation of about 2,300 feet approximately 40 miles northeast of Los Angeles along the Sierra Highway about halfway between Santa Clarita and Palmdale (Figure 1). The town is situated within a wide area of the typically very narrow Mint Canyon. On the surface, the west-southwest trending and steeply inclined Mint Canyon is underlain by recent highly permeable quaternary alluvium and bounded on the south by granite and on the north by older quaternary alluvium[1]. This "older alluvium", also very permeable, consists of consolidated stream deposits that have been cut off from their deposition source. These types of deposits are often referred to as "terrace deposits." Given the surface geology of the area, granite likely underlies the recent and older alluvium at depth. The maximum thickness of saturated alluvium likely does not exceed 70 feet even below the stream channels.

The Sleepy Valley Water Company (SVWC) was established when the Sleepy Valley community was subdivided in the 1920's. Complainant provides water to the community via the same two wells that were installed in the 1920's (Figure 2). Water pumped from these wells is stored in a 100,000-gallon storage tank located uphill from the wells along Reservoir Ave. There are no known records of the construction details of these wells, nor a log of the geologic materials encountered during the drilling. However, Complainant states that the "main" well is approximately 120 feet deep and the other well is about 60 feet deep (Photos 1 and 2). Neither well has a sanitary seal. A third, but apparently unused, well was installed for Complainant in the fall of 1961 about 500 feet from the Complainant's other two wells and a driller's report was filed for this well (Figure 2).

In 1961 hydro-geologic consultant C.E. Jacobs was hired by Complainant to investigate its wells and prepare a report on his findings (Jacobs Report). Complainant has stated that they no longer have this report and therefore the report was not available for this complaint investigation. In 1981 James Montgomery prepared a report for the Los Angeles County Board of Supervisors entitled "Ground Water Resource Study Phase 1 Mint Canyon Hydrogeologic Investigation" (Montgomery Report). Montgomery references the Jacobs Report and states that Jacobs conducted a pumping test on the SVWC deep well.

Complainant's pumping records between 1990 and 2003 indicate an annual average water usage of 18.3 acre-feet serving 56 homes. During the recent drought (2004 to 2006) and subsequent emergency conservation efforts, the water usage declined to about 10 acre-feet per year. Complainant plans on increasing the number of homes served to 70.

Based on old aerial photographs of the area, Respondent states that his well is likely a former agricultural well installed prior to the 1950's. Respondent does not have a drillers report for this well either but estimates the depth to be about 100 feet below grade. Respondent states the pump is set at 62 feet below grade. . This well also does not have a sanitary seal. Respondent began pumping from the well and selling water in the nearby community in 2004. Respondent delivers by truck at 4,000 gallons per truckload. However, in 2005 Respondent's water distribution operation was shut

[1] Dibblee, T.W. Jr., 1996, *Geologic Map of the Mint Canyon Quadrangle, Los Angeles County, CA,* Dibblee Geological Foundation Map #DF-58.

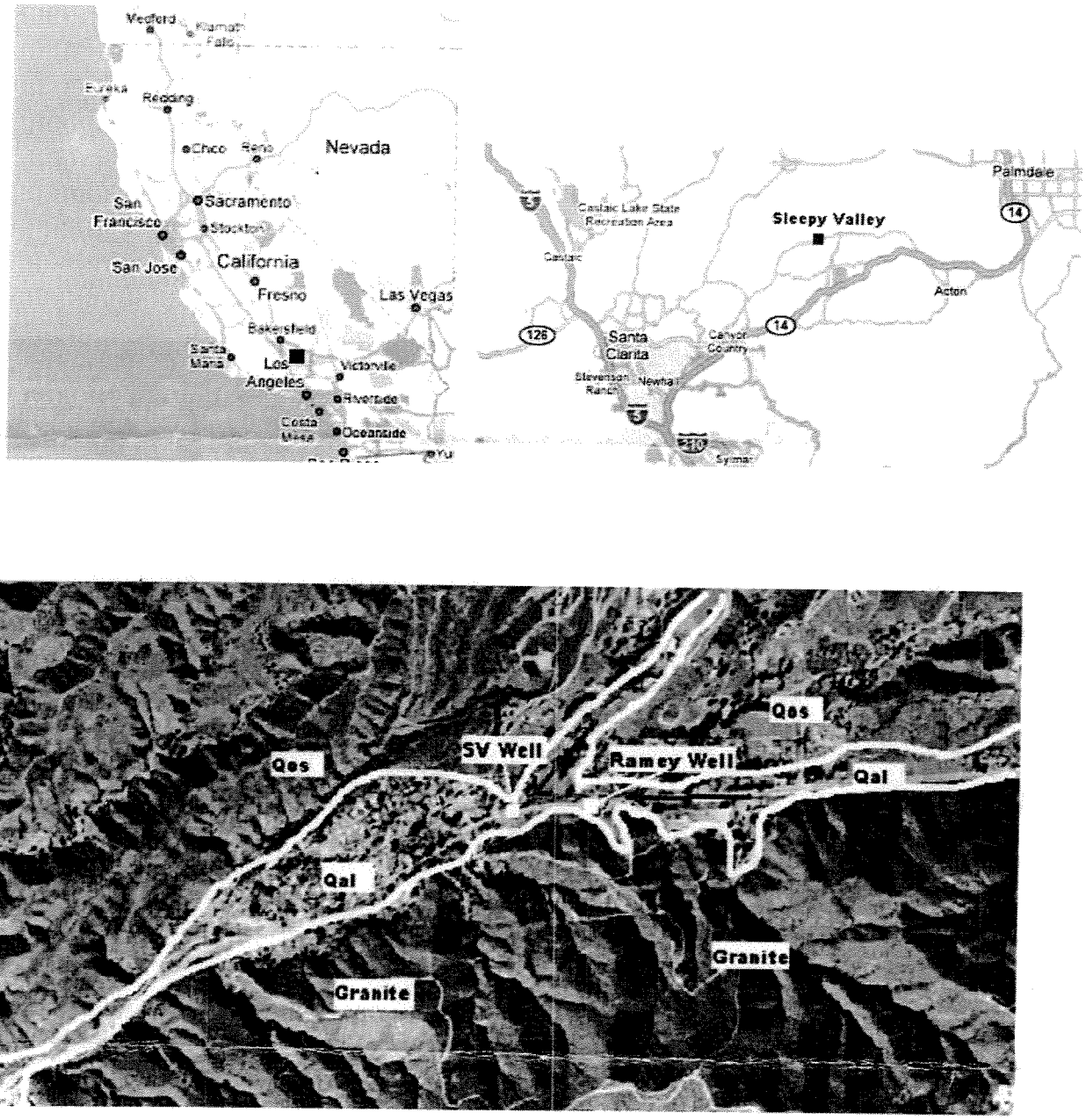


FIGURE 1: Maps and aerial photograph showing the location of Complainant's and Respondent's wells and simplified local geology. Qal = Quaternary Alluvium; Qos = older Quaternary Alluvium. Blue arrows show main subsurface alluvial channels.

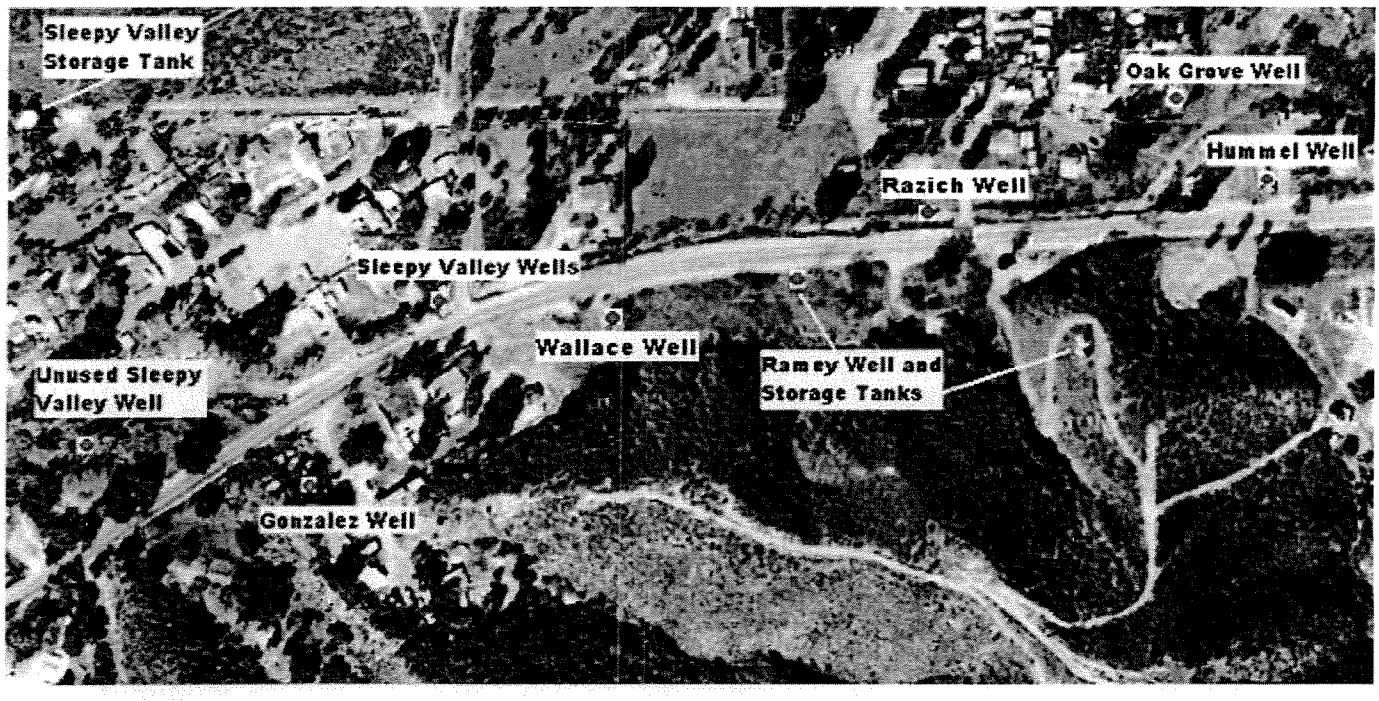
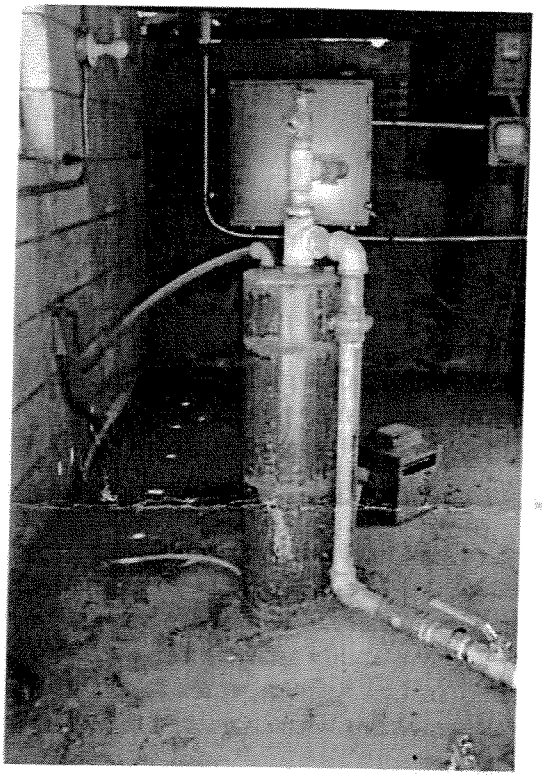
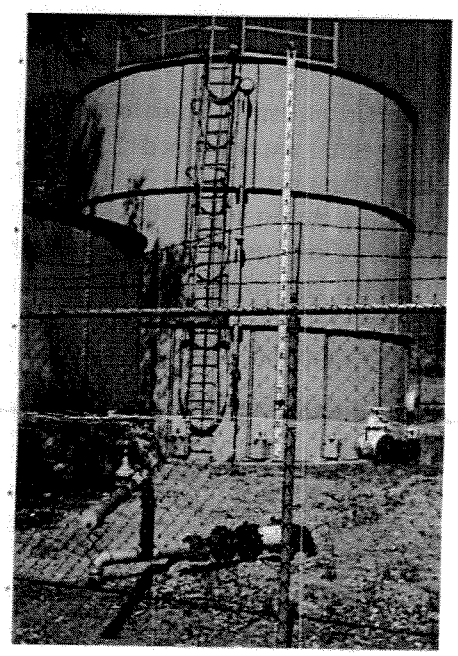


FIGURE 2: Aerial photo showing the location of domestic supply wells near Complainant's and Respondent's wells.





PHOTOS 1, 2, AND 3: Complainant's main and backup wells (above), and Complainant's 100,000 gallon storage tank.

down due to the lack of a Los Angeles County Conditional Use Permit (CUP). Respondent is currently in the process of obtaining the CUP and has obtained a "Water Hauler License."

Water Right Applications

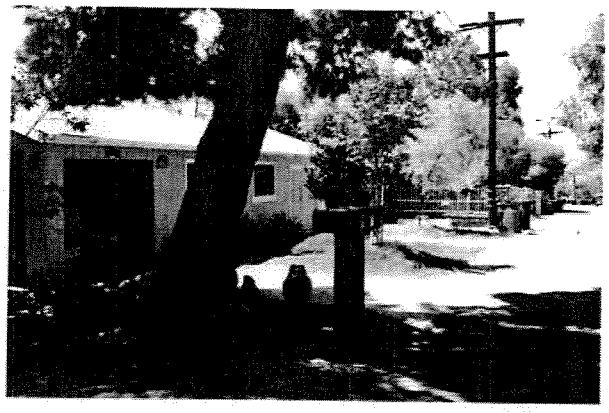
Complainant's water right application A031208 for appropriation of Mint Canyon Creek underflow was accepted on July 13, 2001 and a permit for diversion of 0.21 cfs not to exceed 100 afa was issued February 20, 2007. Complainant stated in the application that the project would initially divert 61 afa for a population of 183 and then slowly increase the appropriation to 100 afa in the expectation the population served would grow to 300. The SWRCB granted Complainant an exemption from completing CEQA documentation and a water availability analysis because Complainant showed that: (1) the wells were in existence prior to 1973; (2) there has been a moratorium on new home construction since 1960; and (3) there is insufficient water to add new homes, particularly during drought.

Respondent's water right application A031652 for appropriation of 0.061 cfs not to exceed 45 afa from Mint Canyon Creek underflow was accepted on February 23, 2007 (a decision regarding issuance of a permit has not been made). Respondent submitted the same water availability analysis included in the complaint response with the water right application. This water availability analysis was then included in Complainant's water right application file. The County of Los Angeles, as lead agency under CEQA, has prepared a draft negative declaration, a copy of which has been submitted to the Division.

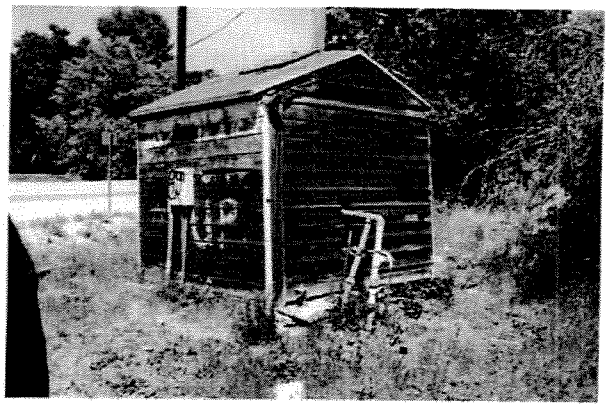
Field Investigation

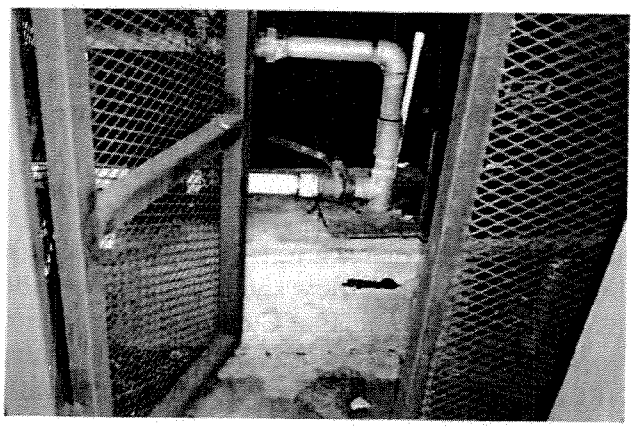
Staff met with representatives for Complainant, and Complainant's consulting geologist at 11 am on April 19, 2007 at the well site. Staff inspected the wells and discussed subject complaint. Complainant's representatives said that during the drought in 2004, while Ramey was pumping, their wells were not able to withdraw sufficient water to supply their customers. They also said that a nearby well went dry during the same period and maintained that this had never occurred in the history of pumping those wells. They attributed the lack of water to Respondent's pumping about 500 feet up gradient of their wells. Staff also inspected the Complainant's place of use (photos 4 and 5) to evaluate the amount of irrigation typically done for each home served by Complainant.

Staff then met with the consulting geologist for Respondent, Joe Cota, at 1 pm. Mr. Cota provided a copy of a drillers report of the unused Sleepy Valley well installed in 1961, and also a copy of a geologic map for the area. Mr. Cota stated that both the new and old alluvium are very permeable and groundwater flows rapidly through the canyon. Mr. Cota also stated that, because of the high permeability of the basin, recharge occurs very quickly during periods of rainfall and pointed to the accumulative rainfall departure curve submitted in Respondent's water availability analysis to support this assertion. Mr. Cota stated that because of the limited storage available to Complainant, they are unable to take advantage of the full availability of groundwater in the aquifer since much of it flows quickly past Complainant's wells. Mr. Cota also believes that, since Complainant's wells are located at the fork of two drainage basins, they receive recharge that cannot possibly be affecting Respondent in addition to that recharge from the drainage basin in which Respondent's wells are installed.

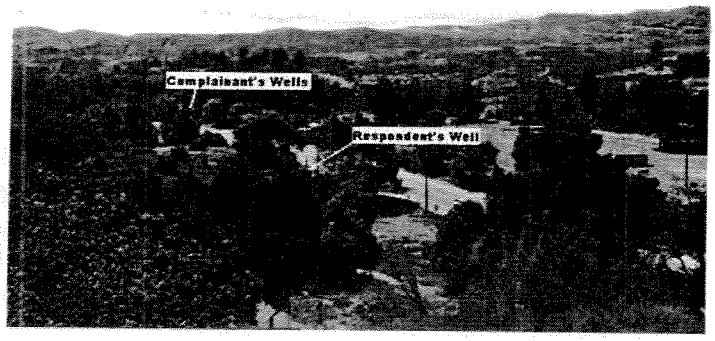


PHOTOS 4 AND 5: Examples of homes served by Complainant. Note minimal irrigation per home.





PHOTOS 6 AND 7: Respondent's Well.



PHOTOS 8 & 9: Respondent's Storage Tanks (left); View looking "downstream" from storage tanks.

He said that given the above factors it is very unlikely that Respondent's well has any influence on Complainant's well, even during drought conditions. In further support of this contention, Mr. Cota noted the results of the 24 hr continuous drawdown pumping test (at 38.88 gpm) conducted on Respondent's well in August 2006. During the pumping test periodic water levels were taken on Complainant's wells and also two up gradient wells (Oak Park and Hummel Wells) before, during, and after the pumping test and no drawdown was measured in any of the other wells.

Finally, Mr. Cota believes that Complainant's well is partially installed in bedrock and that is the main reason it went dry during drought, along with a nearby well also installed in bedrock (Gonzales Well).

Mr. Cota noted two lines of evidence for this assertion: (1) the description of the performance of Complainant's well in the 1981 Montgomery Report in which Montgomery noted that Complainant's well performed more like a bedrock well than a well installed in alluvium; and (2) the drillers report for Complainant's unused well installed in 1961 that indicates "conglomerate" at 36 feet below grade. The "conglomerate", Mr. Cota contends, is really granitic bedrock erroneously logged by the driller.

After the in-office discussion, Mr. Cota showed staff Respondent's well and storage tanks (Photos 6, 7, and 8) and the geology of the Mint Canyon area.

ANALYSIS

Respondent has submitted a water right application for diversion of 0.061 cfs not to exceed 45 afa from Mint Canyon underflow and is in the process of obtaining a water right permit. Because his application was received after Complainant's water right application he has a lower priority than Complainant and thus Complainant's water right must be satisfied first. Complainant requests that the SWRCB enjoin Respondent from diverting any water until he receives a permit to do so. Although the SWRCB has the authority to do this, Respondent is providing needed water to local residents in the nearby community and in the absence of harm to downstream diverters with prior rights (such as Complainant) the SWRCB might not enjoin Respondent from diverting this needed water.

Complainant also asserts that Respondent's diversion will cause harm to Complainant's diversion by affecting the supply available to Complainant's wells. This then is the focus of this analysis.

Complainant has received a permit authorizing diversion of 0.21 cfs not to exceed 100 afa from Mint Canyon underflow but only the rate and annual volume of water actually used by Complainant will be considered for license. Historically, even during maximum use periods, Complainant has only diverted about 20 afa. Most recently (March 2007), Complainant has projected an increase in the served population of about 25% by 2017. As such, Complainant is likely to only qualify for a license of about 0.05 cfs not to exceed 25 afa at that time. While a petition for extension of time can be requested to make more use of the permitted amount, the priority of at least that portion of the right that had not been put to beneficial use could very well be subordinated to newer permits that were being developed more quickly (e.g., a permit issued pursuant to A031652). Consequently, only that portion of Permit 21196 that is likely to have a higher priority than any permit issued pursuant to Respondent's application is of current concern in this analysis. Thus the total combined diversion of Complainant and Respondent in the near future will be approximately 0.11 cfs not to exceed 70 afa.

Complainant was issued their water right permit without having to prepare a CEQA document or a water availability analysis. Consequently, the record for Complainant's water right contains little, if any, information regarding the potential impacts of upstream diversions. The unavailability of the Jacobs report compounds this problem.

Respondent has provided four lines of evidence that diversion from his well of 45 afa will not impact Complainant's diversion even during drought years. These include: (1) a 1981 report by James Montgomery (Montgomery Report) entitled "Ground Water Resource Study Agua Dulce and Mint Canyon Los Angeles County: Phase 1 Mint Canyon Hydro-geologic Investigation"; (2) further refinement of the results of the Montgomery report by Earth Resources Inc (ERI) based on updated information; (3) the results of a 24 hour pumping test conducted on Respondent's well; and (4) the location and the construction of Complainant's main well.

The first two lines of evidence calculate, using various methods and assumptions, the total estimated annual recharge to the local groundwater basin. With respect to water availability, if recharge exceeds discharge (i.e. groundwater extractions) groundwater is, theoretically, available for appropriation without over-drafting the aquifer. Montgomery calculated an average annual **natural** (excludes wastewater return flow) recharge of 270 acre-feet for the Mint Canyon area. Using a more conservative method ERI calculated average annual **natural** recharge to be 263 acre-feet. These calculations are based on an average annual precipitation rate of 13 inches (Montgomery) and 12.8 inches (ERI) respectively for the Mint Canyon area.

According to ERI the current population that relies on groundwater is about 780 persons. Using 200 gallons per day per person this amounts to a total annual consumptive use of 175 acre-feet and therefore, using the more conservative ERI recharge calculation, an annual surplus of 88 acre-feet. Adding a wastewater return of 50 gpd per person to the recharge calculation increases the recharge an additional 44 acre-feet thus resulting in a surplus of 132 acre-feet.

Given the above, it would appear that there is a sufficient annual surplus of water to allow for an additional 45 acre-feet to be withdrawn by Respondent. If the Mint Canyon groundwater basin was essentially an underground reservoir with no significant leaks then no other considerations need be evaluated and the issue could be resolved in favor of Respondent with no further analysis. .

However, as indicated by the geology, hydrogeology, and geomorphology of the Mint Canyon area, the groundwater "basin" behaves more like a very slow surface stream than a groundwater "basin." This is most clearly evident in the accumulative rainfall departure graph prepared by ERI that shows groundwater levels rapidly changing according to recent rainfall levels. As such, recharge does not remain in the basin very long and the basin needs to be continually fed by precipitation in order for groundwater levels to remain high. ERI acknowledges this on page 13 of the complaint response i.e. *"....much of the surplus water continues to move down gradient even it if is not being pumped for consumption. It is important that all groundwater users continue their water conservation efforts and maintain sufficient above-ground storage capacity to meet their demands during the summer months, particularly during cycle drought periods."*

The crux of Complainant's objection to the above water availability analysis revolves around this issue. That is, although there may be sufficient water during a typical rainfall year of 13 or more

inches, during drought years there will be less water because so much of the previous year's recharge has drained out of the basin, and this cumulatively gets worse during repeated years of low rainfall. In theory, Complaint Unit Staff concur and believe that additional evaluation that considers "instantaneous" or "short-term" water availability is needed to resolve this matter.

This leads to Respondent's other two lines of evidence as these relate to "instantaneous" water availability i.e. the results of a 24 hour/ 35.88 gpm pumping test conducted on his well, and, the location/construction of Complainant's main well. The pumping test was conducted by ERI in August 2006 and during the test water levels were taken at Complainant's wells, the Oak Grove Well, and the Hummel well (see Figure 2). The maximum drawdown in Respondent's well was 5 ft and the stabilized drawdown about 4'4". There was no drawdown in any of the other wells monitored. Once the pump was shut off Respondent's well recovered 3'5" in 10 minutes, and returned to static water level in less than 1 hour. The specific capacity of Respondent's well is 7.18 (gpm per foot of drawdown). The results of the pumping test are consistent with a well drawing from a very permeable aquifer (alluvium), a high groundwater velocity, and a steep groundwater gradient. They are also consistent with Respondent's assertion that pumping Respondent's well at a "safe yield" does not impact Complainant's well.

With respect to the construction of Complainant's wells Respondent believes that Complainant's well is, at least partly, installed in underlying granitic bedrock. Respondent cites three factors to support this contention. Firstly, Respondent refers to the discussion of Complainant's wells in the Montgomery Report. Specifically, Respondent notes that Montgomery believed that the results of the 1961 pumping test conducted on Complainant's well by C.E. Jacobs "gave results more typical of the underlying non water-bearing rock units." Respondent also notes that when the performance of Complainant's well deteriorated significantly during the 2004 drought, the Gonzales well, which Respondent asserts is installed in bedrock, also experienced the same problems. This, while other wells in the area, including Respondent's (presumed to be installed in alluvium) did not experience any problems.

Secondly, Respondent notes that, according to the Montgomery Report during extended periods of low rainfall Complainant has experienced decreased production rates caused by lower groundwater levels (page S3-5). This has caused Complainant to, over the years; require significant conservation measures on its customers.

Thirdly, Respondent points to a drillers report for a well installed for Complainant in 1961 near Complainant's current supply wells (see Figure 2). Respondent notes that the drillers report describes the geology as soil and sand to 36 ft below grade, and Conglomerate from 36 ft to the total depth of the well at 64 ft. Respondent believes that what the driller described as "Conglomerate" was likely granitic bedrock.

With respect to the location of Complainant's well, Respondent notes that it is situated at the confluence of two subsurface channels, one oriented east-west in which Respondent's well is installed, and another oriented northwest-southeast (see Figure 2). As such, Respondent believes that Complainant's well receives significant additional recharge from the northwest-southeast channel thereby reducing, or even nullifying, any potential impact of pumping Respondent's well.

SUMMARY AND CONCLUSION

Respondent's key rebuttal to the subject complaint is that, on average, there is sufficient recharge to the aquifer underlying Mint Canyon Creek, compared to withdrawal, to support Respondent's diversion without impacting Complainant's diversion. However, Respondent also acknowledges that the thin alluvial aquifer in question is highly permeable and under a steep groundwater gradient and as such recharge and discharge occur rapidly. Complainant concurs that, on average, there may be sufficient groundwater to support Respondent's diversion without impacting Complainant's but notes that the rapid recharge and discharge of the aquifer does not allow for long-term storage. Because of the lack of long-term storage Complainant contends that averaging recharge over several years is inadequate to accurately evaluate real-time water availability in this case. Staff concur with Complainant in this regard, and believe evaluating short-term water availability is more appropriate.

However, Respondent has also evaluated short-term water availability by providing evidence to show that pumping Respondent's well at a "safe yield" will likely not impact Complainant's diversion even under drought conditions. This includes both direct and circumstantial evidence. The direct evidence includes the results of a pumping test of Respondent's well indicating that Complainant's well was not affected during the test. The circumstantial evidence includes evidence that Complainant's well is at least partially installed within bedrock (i.e. the results of a 1961 pumping test as noted in the Montgomery Report); the driller's report of a nearby well owned by Complainant indicating bedrock starting at 36 feet below grade; and the historical significant reduction in performance of Complainant's well during drought years.

This historical information indicates that Complainant's wells have supplied water to its customers for over 80 years; however, during times of drought Complainant has had to resort to strict conservation measures because the wells were apparently not performing adequately. This occurred long before Respondent began pumping. Staff believes it is likely that Complainant hired C.E. Jacobs in 1961 because of problems with its wells and as a result of the Jacobs investigation Complainant installed a new well near its current operating wells in October 1961. Staff does not believe that Jacobs would have recommended the installation of a new well unless he also believed that there was sufficient water available to meet the demands of the Complainant. Apparently, this new well was never put into operation. Staff speculates this might be due to its proximity to leach fields resulting in water quality issues.

Respondent cannot be held responsible for the inability of Complainant's well to supply sufficient water during drought conditions except to the extent that his operation is causing the poor performance. Complainant has asserted that, during the most recent drought in 2004, it was Respondent's pumping that caused the insufficient supply, and so the subject complaint. Complainant did not submit any information to support this allegation except the "Post Hoc Ergo Propter Hoc" argument that the insufficient performance of its well occurred after Respondent began pumping his well. Given the history of Complainant's wells such an argument needs more supporting data to link cause to effect

Additional circumstantial evidence provided by Respondent includes the location of Complainant's well at the confluence of two subsurface drainage channels, thereby allowing the well to receive significant additional recharge beyond the recharge that might be affected by Respondent's diversion.

Complainant has not provided any rebuttal to Respondent's evidence regarding short-term water availability.

Given the above, staff believe that the weight of the evidence gathered to date indicates that the pumping of Respondent's well at the rate proposed in his permit application (27 gpm or 45 acre-feet per year) will likely not impact the available supply in the vicinity of Complainant's well even during drought conditions. However, since Complainant's water right application is "first in time" and therefore first in right, there needs to be some means to ensure that Complainant's water right is capble of being satisfied first in all conditions including severe drought.

This is easily done with surface water diversions by limiting diversion by lower priority right holders to times when the stream-flow exceeds a set amount, usually measured by an inexpensive device in cubic feet per second. Direct "real time" measurement of groundwater flow cannot be done so cheaply and so easily and thus some other method is needed. To this end Staff believe a groundwater bypass based on groundwater levels will reasonably achieve the same goal as a surface water bypass to protect prior right holders.

GROUNDWATER BYPASS

Staff requested that Respondent calculate a groundwater bypass based on the total volume of groundwater flow through a cross-section perpendicular to the general direction of flow (or more accurately, perpendicular to the long axis of the subterranean stream). Since the total volume of flow will decrease through this cross-section as groundwater levels drop, the bypass groundwater level would be that groundwater level at which point Respondent would stop pumping and allow all of the groundwater to bypass in the direction of Complainant's well. This bypass would then correlate to a surface water bypass in that "upstream" diversion would stop at the specified low "steam-flow" indicated by a low groundwater level. Respondent calculated that the lowest groundwater level at which he should stop pumping to protect the prior rights of Complainant was 55 feet below grade at his well (this is discussed later in this report).

In response, Complainant objected to the bypass calculation as an inappropriate means to determine water availability because "*the total volume of water passing through a cross-sectional area of the basin on a daily basis is not, however, the total volume available for a groun water well to pump.*" Although Staff concurs with this statement Staff also notes that the statement is true regardless of whether or not Respondent withdraws any groundwater from the basin. Well performance (and water available to the well) is limited by location, construction, maintenance, and local hydro-geology. The water rights issue at hand is not the ability of Complainant's well(s) to capture groundwater but the potential harmful ***effect*** that Respondent might have on the availability of groundwater for Complainant's well(s) to capture.

Complainant proposed that in order to most accurately characterize this effect *"a groundwater model that incorporates aspects of groundwater recharge volumes and rates, the anticipated groundwater gradients, boundary conditions, water levels and extractions is needed."* Complainant believes this burden should be borne by Respondent. Staff agrees that the data obtained via a complex hydro-geologic investigation involving the installation of several boreholes and wells/piezometers, and years of monitoring, input into a reliable groundwater model would greatly aid in pinpointing the exact

effect of the operation of Respondent's well on Complainant's well and thereby help to more accurately calculate a groundwater bypass. This of course would be extremely expensive and burdensome and Staff believe would be an unreasonable request for either Respondent, in answering the complaint, or Complainant in making the complaint. As such, Staff rejects this idea as an unreasonable request in comparison to the benefits to be obtained and maintains that calculating a groundwater bypass is the more appropriate method at this time.

In lieu of a detailed long term groundwater investigation Complainant proposes a "conservative" interim (until more data is available) groundwater pumping level for Respondent based on the theoretical ability of Complainant's well to capture "underflow volume." This calculation then relates the "safe water level" at Complainant's well to the "maximum allowable depth to static water level" at Respondent's well. Complainant asserts this limit should be set at 25 ft below grade at Respondent's well, a difference of 30 ft compared to Respondent's calculation.

Staff rejects Complainant's counter bypass groundwater level simply because of the foundation on which it rests i.e. that the construction and performance of Complainant's well should be the key consideration in determining the groundwater level bypass limit. Furthermore, Complainant's calculations are based on the volume of water Complainant has applied for (100 acre-feet per year) and not on actual historic use, or likely projected use which, as indicated above, is about 25 acre-feet per year. Water rights are based on actual use. As such, Staff considers 25 acre-feet per year to be the volume of water to be "protected" for Complainant as a prior right holder until such time that Complainant can demonstrate the immediate need to divert additional water. Montgomery stated that Complainant's two wells were capable of maintaining a pumping rate of 20 gpm each, or 40 gpm for both wells. This amounts to 64 acre-feet per year for both wells or 32 acre-feet per year for one well. This is above the likely projected volume of water to which Complainant can show a need in the next few years.

Complainant's prior rights need to be protected to the extent possible. This means preventing lower priority right holders from interfering with Complainant's prior right to withdraw 25 acre-feet per year from either or both of its wells. With respect to groundwater this interference can occur in two ways: (1) Creating a cone-of-depression that intersects Complainant's well thereby reducing or eliminating its ability to produce enough water; or (2) removing a sufficient volume of water from the aquifer upstream of Complainant's well such that it creates a similar condition. The pumping test conducted by Respondent in August 2006 indicates that the cone-of-depression at Respondent's well (at 36 gpm) does not intersect Complainant's well, therefore the focus is on the second case.

This brings us full circle back to Respondent's groundwater bypass calculation. As requested by Staff, Respondent calculated the total volume of water bypassing Respondent's active well pumping at the proposed pumping level[2] of 40,000 gallons per day, for both shallow groundwater conditions (12 ft below grade) and for the lower groundwater elevation limit at which point Respondent proposes to stop pumping (55 ft below grade). The standard by which Staff evaluated the bypass calculation is as follows:

[2] Respondent has submitted a water right application requesting a water right for 0.061 cubic feet per second (40,000 gallons per day / 45 acre-feet per year). As with Complainant, the final licensed amount may be less depending on actual use. Obviously Respondent actually pumping less water reduces the risk of insufficient water for Complainant.

Respondent needs to only bypass a sufficient volume of groun water such that Respondent does not impact Complainant's ***ability*** *to satisfy its prior water right. Complainant's prior water right is considered to be that volume of water they are currently using, or reasonably expected to be using in the immediate future.*

Respondent calculated that when the groundwater level is at 12 ft below grade 289,000 gallons per day will bypass Respondents well (329,000 total – 40,000 pumped) and at 55 ft below grade, 140,070 gallons will bypass the well (180,070 total – 40,000 pumped). This means that Respondent will be extracting 12% to 22% of the total volume flowing through the cross-section between groundwater levels of 12 and 55 ft below grade. Complainant must then be able to capture 22,318 gallons per day (25 acre-feet per year) or from 7% to 13% of total flow if Respondent doesn't pump his well, or from 8% to 16% if he does. In essence, even in the worst case scenario of static groundwater levels at 55 feet below grade Respondent has little effect on the volume of water available to Complainant, the difference being that Complainant must capture 16% of the bypassed flow if Respondent operates his well, compared to 13% if Respondent does not operate his well.

At this point it is important to reiterate Complainant's key objection to the concept of the bypass calculation i.e. "*the total volume of water passing through a cross-sectional area of the basin on a daily basis is not, however, the total volume available for a groundwater well to pump.*" Again, staff notes that this is true even if Respondent does not pump his well. As shown above even if Respondent does pump his well there is very little reduction in the total volume of water available to Complainant to meet its appropriate water right.

The above calculations are based on demand averaged over a year. However, instantaneous summertime demand will likely be significantly higher. Montgomery stated that Complainant's wells were cable of a sustained 20 gpm, and Complainant has indicated to staff that they are capable of a sustained 25 gpm. Pumping 50 gpm (two wells operating simultaneously) for 24 hours gives 72000 gallons daily. This raises the percentage (at 55 ft below grade) to 40% of the total volume through the cross-section if Respondent doesn't pump and 50% of the total volume through the cross-section if he does pump. Even under this condition Respondent's operation has only a minimal effect on the total volume of water available to Complainant compared to the volume available if he does not pump. Given that Complainant only has 100,000 gallons of storage available such pumping could only be sustained for a couple of days at the most.

RECOMMENDATIONS

Staff recommends that Respondent be directed to: (1) cease pumping when the groundwater level reaches 55 feet below grade at his well; (2) submit a detailed plan showing how he will monitor the static groundwater level so as to ensure that criterion (1) will be met; and (3) not begin well operation until criterion (2) has been met.

Staff recommends closure of this complaint once Respondent has received approval from SWRCB staff of his static groundwater level monitoring plan.

Correspondence

via e-mail

Memorandum

To: Mr. Chuck Nesmith, State Water Resources Control Board
Cc: Ms. Kathy Sloan, Sleepy Valley Water Company
From: Tim Thompson
Date: September 14, 2007

Subject: Review of Earth Resources, Inc. report dated January 9, 2007 pursuant to the complaint filed with the State Water Resources Control Board by Sleepy Valley Water Company on December 21, 2006.

Dear Chuck:

On behalf of Sleepy Valley Water Company ("SVWC"), we have conducted a review of a report by Earth Resources, Inc. ("ERI") entitled Groundwater Underflow Calculations and dated August 23, 2007. This report is associated with a pending water right application by Rainmaker Water Services ("RWS") to the State Water Resources Control Board ("State Board"). Based upon our calculations we have identified a series of issues in both the underlying hydrologic data and assumptions as well as in the overall approach.

Underflow Analysis vs. Capture-Zone Analysis

A typical underflow analysis provides a broad evaluation of the total volume of water passing thru a basin, and is helpful in determining an overall amount of groundwater that is present under the modeled conditions. This total volume of water passing through a cross-sectional area of the basin on a daily basis is not, however, the total volume of water available for a groundwater well to pump. A series of wells with intersecting cones-of-depression placed across the width of the basin would be required to capture even a limited portion of that underflow. Therefore, the volume of underflow present in the aquifer materials is not highly correlative to the amount of groundwater available for pumping. It is the "capture zone" of a well that determines the yield, not the overall amount of water flowing by within the aquifer. This is a distinct difference in the process of evaluating groundwater availability usage as compared to a similar analysis for a surface water source such as a river or stream. A standard groundwater analytical technique, as provided in the 2001 edition of the technical reference textbook as cited in the ERI report (Fetter, 1988), was used to analyze the capture zone for the SVWC wells. These calculations are provided in the attached Excel spreadsheet (see "SVWC Capture Zone Analysis" tab). We provide a range of groundwater gradients in this calculation both to illustrate the sensitivity of the resulting potential capture quantities and to identify at least a general range of possible groundwater gradient values that corroborate known pumping history at SVWC wells.

To most accurately characterize the effect of adding additional pumping stresses to a groundwater basin, a groundwater model that incorporates aspects of groundwater recharge volumes and rates, the anticipated groundwater gradients, boundary conditions, water levels and extractions is needed. For the basin being analyzed in this effort, there are insufficient available data to justify this type of a model. Given the degree to which aquifer parameters are largely unknown in this watershed, it is not possible to model any aspect of the watershed characteristics in terms of a single numerical value without regard to the potential range of error in the input variables.

However, as an initial estimated, by incorporating the potential range in currently unknown aquifer parameters, a conservative interim pumping limit for the RWS well can be calculated (see spreadsheet, "RWS Pumping Limit Calc" tab). This limit, provided in terms of a maximum depth below ground surface

at the RWS well, is needed designed to protect the production capabilities of the prior appropriator and senior water right holder, SVWC, until such time as additional data can be collected that further constrain the aquifer parameters.

Only through the process of collecting additional data within the context of a multi-year monitoring program (see suggested program details below) will a more precise determination of the actual basin characteristics, responses to pumping and potential impacts from the addition of new pumping be possible.

Sensitivity to Gradient

In reviewing the report prepared by ERI, and in conducting the calculations described above used to determine the capture zone of the Sleepy Valley wells, it is apparent that the potential effect of the proposed new pumping in the basin is highly sensitive to groundwater gradient. The approach employed in the ERI report to calculate the groundwater gradient does not consider the direction of groundwater flow within the basin, and is therefore not a gradient calculation, but simply a difference between the water levels of the two wells. A groundwater gradient is calculated as perpendicular to the direction of groundwater flow. To determine groundwater flow directions, a body of water level data from multiple wells is needed and a contour map is generally prepared. Based upon such a contour map, the groundwater gradient for different areas within the basin can be calculated by measuring perpendicular to the trend of the contours.

Based upon an assumption that the groundwater gradient is roughly parallel to the surficial topographic gradient, we have calculated a gradient of approximately 0.12 for the area of the basin in consideration. However, the groundwater gradient is also influenced by the canyon walls and contact with the basement rocks, so it is difficult to determine, without additional monitoring points, what the true groundwater gradient is for this area. Further, this value is only applicable to the conditions that existed at the time of the pumping test that occurred in August of 2006. Based on experiences in other groundwater basins, the groundwater gradient can vary substantially in wet years (generally steeper) versus dry or drought years (generally shallower).

In consideration of (1) the lack of groundwater level data sufficient to make a single reliable assessment of groundwater gradient at any one snap-shot in time, (2) the likely variability of the groundwater gradient over time, and (3) the sensitivity of gradient to a given water well's ability to capture the flow, we suggest that a multi-year monitoring program designed to collect sufficient data to characterize the range of variability in the slope and direction of the groundwater table be completed before a reassessment of the interim pumping limit on the RWS well or any new pumping allocations are permitted for Mint Canyon Creek. An understanding of the range in the slope and direction of the groundwater gradient is of critical importance to the analysis being conducted and to the development of an appropriate long-term pumping cut-off level for the Ramey well to ensure the security of SVWC's senior water right.

A properly designed, long-term water level monitoring program for the purposes of establishing the slope and direction of the groundwater table in the vicinity of the RWS and SVWC wells should involve monitoring at least three (3) wells that are measured at least twice a month. The overall duration of the monitoring program should be long enough to ensure that measurements are taken in all seasons and under average hydrologic conditions as well as drought conditions.

Proposed RWS Well Interim Pumping Limit

In order to ensure the security of SVWC's senior water right, it is appropriate to select a conservative interim pumping limit for the RWS well (junior appropriator) until such time as sufficient additional data have been obtained to better characterize the basin's response to additional pumping under a range of hydrologic conditions. Calculations based on best available data with a conservative margin to account for poorly defined basin characteristics indicate that a safe interim pumping limit at the RWS well is 25 feet below ground surface at the RWS Well.

August 8, 2007

To Whom It May Concern:

My name is Ken Brenner. I live at 13206 Chrisco St. Twenty-one years ago I broke a small water pipe on my land. This very old pipe was above ground traversing great distance at waist height! The water company at the time agreed to move the pipe in the near future, so I allowed it to be fixed and I buried temporally just below surface! This same pipe, I have since discovered is under the front sidewalk and steps and block planters, all inter connected to and adjacent to the foundation of the front house!

This same pipe is connected to three service meters, which are all inter-connected and supplied by 1 ¾" clogged water line all of which are on my fenced-in property.

Water usage by any residential –owner affects the water pressure and volume to such extreme, low levels; as such, all three meters react to only one user of water. This is in strict violation of water codes and health regulations!

Approximately ten years ago, a new owner at 33311 Center St. offered to pay all expenses and relocate his service line off of my property!

The new board –IE Kath Sloan and Bob Bower refused his generous offer for unknown reason!

Approximately two years ago, I casually mentioned to Debriz Pressly, "A New Board Member," that perhaps now is time to move the pipes, as I just found "another pipe" as I was trying to do some home improvements and land scaping!

This board over-reaches and abuses its authority on anyone, "Public Works" projects or other entities; Please note enclosed mailings from water board.

I am disable on fixed income and cannot fight these "Power full" women!

I understand, they have told other property owners, "They will get a bill for any water pipe relocation! That "They are the water company and can trespass on any property"!

Early "winter" 200-2007. Water pipe broke and was leaking "inside another pipe" which was un-seen on my side of block wall. No visible evidence of breakage on my land. I just had "oral surgery" and received a call from new board member that they wanted to tear into my land scaping and perform exploratory excavation! I said no!

When I talked to my neighbor, who was supplied by this pipe, he informed me that he has been hauling water to fill his 5000-gallon storage water tank and was not out of water! He told water company board that he "Did not" want to be reconnected to the old-rotteted supply pipe. They told him that they would make Ken." There are many other options to re-connect for these two neighbors whom are down hill below my property. These board members called the sheriff, woke me up after surgery and violated my civil rights and trespassed on a fenced and locked gate to dig-up my land.

These board members did not have my permission, or court order or authority!

I received in the mail a very terse letter stating that I know "Darn well" that board is planning to re-do the old system of pipes.

This upset me very much. Knowing that if they ever re-pipe system, these two pipes have to be connected in a way which do not encumber and prevent me from using my property to its fullest and best use. I have tried to mitigate and offer a solution to this problem! They refused!

The Sleepy Valley water company is a mutually owned corporation, run and operated by "volunteer-neighbors," all of whom are supposed to follow the by-law of

incorporation and by the laws of the Baker act and California waster code and health department! I have contacted Los Angeles Health Department and other offices, with no response to my concerns and serious issues!

I have been awarded a "Grant of funding" to do repair work and install handicap-ramps, rails and passage ways, all in front of my house. When I advised water company bard of my intentions, I received the enclosed letter from some unknown party. The board-president "Kathy Sloan" has hired! She is a volunteer neighbor, whom co-signs all bills and pays herself a salary. All of which are against the rules and by law of incorporations! There are only three members on the board left out of over fifty-two co-owners; one member threatened to turn off my water! One wishes that Los Angeles company take over the water company! I strongly agree and suggest that Los Angeles Company take over mismanaged and old system company!

Since there is no government or authority to over see these board members in how they perform their duties as a punueyor of water. I herby request a formal investigation of these issues and concerns. And the board members and apply the full force of all laws and codes of which may apply. In my situation!

I request this action be taken on by behalf, per the laws relating the Americans with Disabilities! And any health codes, which are applicable.

Sincerely

Kenneth Brenner
13206 Chrisco St.
Saugus, CA 91390

Ramey Alert!!!

There is going to be another public hearing with the Los Angeles County Regional Planning Commission. At this hearing the commissioners will again consider whether to give Ramey a permit to sell water from a well 0.2 miles upstream from our Sleepy Valley wells. In 2004 when Ramey was pumping water from this well OUR WELLS WENT DRY!!! He's going to be back at this next hearing and try and convince the commissioners that our wells have nothing to do with his well. The Board will do everything we can, but the community needs to be out in force!!! Numbers matter to them! This community has been here for 80 years, we need to show the commissioners how important our water is to us.

Wednesday, August 1, 2007; 9:00am
Room 150, Hall of Records, 320 West Temple Street
BE THERE OR BE THIRSTY!!!

Please return the bottom of this sheet with your bill. We will try to arrange car pools

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Name _____ phone _____ email _____

- ☐ I will try to come to the hearing
- ☐ I need a ride
- ☐ I am willing to drive someone else
- ☐ Sorry, I can't make it

THESE ARE THE SAME & SMALL GROUP OF NEIGHBORS WHO STOPPED THE ORIGINAL PROJECT & FEAR TACTICS!

K.B